

## EXHIBIT A

FILED  
COUNTY CLERK

2021 FEB -3 PM 4:21

SUPERIOR COURT OF WASHINGTON  
WHATCOM COUNTY  
WASHINGTON

FOR WHATCOM COUNTY

STEVEN TOJEK,

Plaintiff(s),

No. 21 2 00117 37

Vs. SUMMONS (20 DAYS)  
WHATCOM COUNTY,  
311 Grand Ave.  
Bellingham, WA 98225

**LEE GROCHMAL**

DEPARTMENT OF PROSECUTING ATTORNEY, WHATCOM COUNTY  
311 Grand Ave., Suite 201  
Bellingham, WA 98225

GEORGE C. ROCHE, ESQ., DEPUTY PROSECUTING ATTORNEY,  
311 Grand Ave., Suite 201  
Bellingham, WA 98225

CITY OF BLAINE,  
435 Martin St. Suite 3000,  
Blaine, WA 98230

BLAINE POLICE DEPARTMENT,  
322 H Street  
Blaine, WA 98230

1 OFFICER JACOB FARRER, BLAINE POLICE DEPARTMENT,  
2 322 H Street  
3 Blaine, WA 98230

4

5 OFFICER JON LANDIS, BLAINE POLICE DEPARTMENT,  
6 322 H Street  
7 Blaine, WA 98230

8

9 OFFICER JASON HENTZ, BLAINE POLICE DEPARTMENT  
10 322 H Street  
11 Blaine, WA 98230

12

13 Defendant(s)

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14

15 TO THE DEFENDANTS:

16 A lawsuit has been started against you in the above-entitled Court  
17 by: STEVEN TOJEK, Plaintiff.

18 Plaintiff's claim is stated in the written complaint, a copy of  
19 which is served upon you with this Summons. In order to defend  
20 against this lawsuit, you must respond to the Complaint by stating  
21 your defense in writing, serve a copy upon the person signing this  
22 summons within 20 days after the service of this summons, excluding  
23 the day of service, and file a copy with the court named above. If  
24 you do not, a default judgment may be entered against you without  
25 prior notice. A default judgment is one where Plaintiff is entitled  
26 to what he asks for because you have not responded. If you serve

1 a Notice of Appearance on the undersigned person, you are entitled  
2 to notice before a default judgment may be entered. You may demand  
3 that the Plaintiff file this lawsuit with the Court. If you do so,  
4 the demand must be in writing and must be served upon the person  
5 signing this summons. Within fourteen (14) days after you serve  
6 the demand, the Plaintiff must file this lawsuit with the Court,  
7 or the service on you of this summons and complaint will be void.  
8 If you wish to seek the advice of an attorney in this matter, you  
9 should do so promptly so that your written response, if any, may  
10 be served and filed with the Court on time. This Summons is issued  
11 pursuant to Rule 4 of the Superior Court Civil Rules of the State  
12 of Washington.

13 Dated: February 3, 2021

14  
15 \_\_\_\_\_  
16 Steven Tojek  
17 Mail: PO BOX 1975  
18 Blaine, Washington  
19 Phone: (716) 316-1817  
20 Email: monte402@yahoo.com  
21  
22  
23  
24  
25

FILED  
COUNTY CLERK

2021 FEB 17 AM 10:45

SUPERIOR COURT OF WASHINGTON  
WHATCOM COUNTY  
WASHINGTON

BY \_\_\_\_\_

FOR WHATCOM COUNTY

STEVEN TOJEK,

Plaintiff(s),

No. 21-2-00117-37

Vs. AMENDED COMPLAINT FOR DAMAGES

WHATCOM COUNTY,

DEPARTMENT OF PROSECUTING ATTORNEY, WHATCOM COUNTY

GEORGE C. ROCHE, ESQ., DEPUTY PROSECUTING ATTORNEY,

CITY OF BLAINE,

BLAINE POLICE DEPARTMENT,

OFFICER JACOB FARRER, BLAINE POLICE DEPARTMENT,

OFFICER JON LANDIS, BLAINE POLICE DEPARTMENT,

OFFICER JASON HENTZ, BLAINE POLICE DEPARTMENT.

Defendant(s)

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STEVEN TOJEK, appearing pro se alleges the following:

## I. CLAIMS FOR RELIEF

1. STEVEN TOJEK at all times material was a resident and homeowner within the City of Blaine, Washington. Both at the time of presentation of the claim and when the claim arose, I resided at 1412 Mitchell Ave, Blaine WA 98230.

2. WHATCOM COUNTY is a political subdivision, a county located in the State of Washington. The business address of WHATCOM CUNTY is 311 Grand Ave., Bellingham, WA 98225.

3. WHATCOM COUNTY has a DEPARTMENT OF PROSECUTING ATTORNEY with a business address of 311 Grand Avenue, Suite 201, Bellingham, WA 98225. "The mission of the Prosecuting Attorney's Office, in partnership with the communities we serve, is to vigorously protect the rights of the people of Whatcom County."

<https://www.whatcomcounty.us/3161/About-Us>

4. At all times material herein GEORGE C. ROCHE, ESQ., was a DEPUTY PROSECUTING ATTORNEY for WHATCOM COUNTY with a business address of 311 Grand Avenue, Suite 201, Bellingham, WA 98225.

5. The CITY OF BLAINE is a political subdivision, a city, located in WHATCOM COUNTY, Washington State. The CITY OF BLAINE provides a police force that polices within the geographic borders of the CITY OF BLAINE. The business address for the CITY OF BLAINE is 435 Martin St. Suite 3000, Blaine, WA 98230.

6. At all times material herein, BLAINE POLICE DEPARTMENT  
is and was the police force for the CITY OF BLAINE. The business

1 address for the BLAINE POLICE DEPARTMENT is 322 H Street  
2 Blaine, WA 98230.

3 7. At all times material hereto OFFICER JACOB FARRER, was  
4 a police officer with BLAINE POLICE DEPARTMENT. His business  
5 address is 322 H Street Blaine, WA 98230.

6 8. At all times material hereto OFFICER JON LANDIS, was a  
7 police officer with BLAINE POLICE DEPARTMENT. His business address  
8 is 322 H Street Blaine, WA 98230.

9 9. At all times material hereto OFFICER JASON HENTZ, was a  
10 police officer with BLAINE POLICE DEPARTMENT. His business address  
11 is 322 H Street Blaine, WA 98230.

12 10. Venue in this Court is proper as the amount in  
13 controversy exceeds the jurisdictional limits of all lower courts,  
14 and all relevant events occurred in Whatcom County.

15 11. This Court has personal jurisdiction over the defendants  
16 as all defendants are located within Whatcom County.

17 12. I served a claim form on WHATCOM COUNTY on December 1,  
18 2020; and more than sixty (60) days have elapsed from that time.

19 13. I served a claim form on CITY OF BLAINE on December 1,  
20 2020; and more than sixty (60) days have elapsed from that time.

21 14. All events took place in Whatcom County between December  
22 2, 2017 and October 31, 2019. The original traffic stop was on  
23 December 2, 2017. On February 9, 2018, 2 1/2 months after the  
24 traffic stop a misdemeanor charge was issued against me. I was

1 charged with an "Obstruction of Law enforcement officer." The  
2 charge was retaliatory in nature as it came only after I made  
3 complaints that the BLAINE POLICE DEPARTMENT were embellishing,  
4 adding unnecessary information in their police reports concerning  
5 the driver's mannerisms while operating the vehicle; and because  
6 I fought the impounding of my vehicle. The charge brought against  
7 me RCW 9A.76.020, obstructing a police officer was dismissed with  
8 prejudice on October 31, 2019.

9       15. On December 2, 2017, I was a passenger in my vehicle  
10 that was being driven by an acquaintance. I was tired and fatigued  
11 and fell asleep at various points.

12       16. The driver of my vehicle was pulled over by the BLAINE  
13 POLICE DEPARTMENT. The traffic stop took place at approximately  
14 2100 Peace Portal Drive in Blaine. Eventually all the named police  
15 officer defendants would arrive at the scene as my vehicle was  
16 towed from 2100 Block of Peace Portal Drive, Blaine, Washington.

17       17. As I understand, the driver was initially stopped for a  
18 speeding violation. The arresting officer aimed to impound my  
19 vehicle without being concerned for making the decision to do so.  
20 The Washington State law during the time of the traffic stop  
21 allowed the arresting officer to impound any vehicle as long as  
22 the officer could plant a DUI charge on the driver and then justify  
23 said charge in his arrest report, and so the arresting officer did  
24 exactly this.

1           18. Upon information and belief, the arresting officer did  
2 not have sufficient probable cause to charge the driver with a DUI  
3 charge. The law at the time secured the arresting officer's  
4 position to impound my vehicle; however, he made the decision to  
5 impound my vehicle prior to adding the DUI charge on the driver.  
6 This same law utilized to shield the arresting officer's unethical  
7 decision to impound my vehicle was eventually eliminated by the  
8 State of Washington for being unconstitutional.

9           19. The Blaine police officers were negligent in their  
10 duties. At the time of the impounding of my vehicle, there was no  
11 probable cause to do so.

12           20. The sensitive material from the unfinished investigation  
13 regarding the BLAINE POLICE DEPARTMENT on January 15th was input  
14 into Shah Khan's December 2nd traffic stop police report.  
15 Disregarding good standard police procedure by adding an  
16 unfinished investigation to an unrelated persons police report  
17 while knowingly inputting unnecessary information to a report in  
18 an unrelated event.

19           21. Shah Khan and the traffic stop event are unrelated to  
20 the January investigation and have no affiliation to each other  
21 and are unrelated events. The BLAINE POLICE DEPARTMENT created an  
22 unnecessary nexus to both events and doing potential unnecessary  
23 damage from these actions.

1           22. Law enforcement information exchange is a "need to know  
2 basis". Information associated from events concerning local law  
3 with state jurisdiction and unrelated to federal immigration  
4 services regarding Shah Khan was shared without a need to know,  
5 and demonstrates a serious problem. Shah Khan is a US citizen and  
6 doesn't have affiliation to the US Border Protection and Customs  
7 agencies.

8           23. The US Border Patrol doesn't have a need to know for  
9 Shah Khan's court case information prior to litigation, and this  
10 wrongful information exchange demonstrates unethical information  
11 sharing.

12          24. The BLAINE defendants tried to use this wrongful  
13 information sharing to hurt and discredit me by associating me  
14 with a negative event; however, it was highly unethical to share  
15 courtroom information with an agency that doesn't have a reason to  
16 have it, other than to cause unnecessary damage.

17          25. After December 2, 2017 but before I was charged with a  
18 misdemeanor, I contacted the defendant police officers and asked  
19 them to revise their reports, so the reports were accurate to the  
20 actual events of December 2, 2017. When they refused, I complained  
21 to their supervisors.

22          26. I informed the Blaine Chief, the Blaine City manager,  
23 and the county inspectors responsible for investigating unethical

1 police activities; furthermore, all informed parties refused to  
2 properly address the matter.

3       27. I was fighting the impounding of my vehicle. The  
4 Defendant officers impounded the vehicle registered to my name  
5 during the event without giving any valid lawful reason. I was  
6 the passenger in the traffic stop mentioned; however, the driver  
7 of the vehicle was being arrested and taken to jail for mere-  
8 speeding while the arresting officer justified his actions by  
9 charging the driver with a reckless driving charge without any  
10 valid evidence of recklessness. In my opinion, this constitutes  
11 an unlawful arrest.

12       28. Upon information and belief, the defendant police  
13 officers made statements to and had several conversations with  
14 DEPARTMENT OF PROSECUTING ATTORNEY, WHATCOM COUNTY, wherein I was  
15 portrayed as a bad actor, and was portrayed as interfering with  
16 their charges against the driver.

17       29. The misdemeanor charge filed against me was retaliatory  
18 in nature. The unethical actions of the Blaine Police Officer  
19 opened the doors for a Whatcom County prosecutor to charge me with  
20 a crime and draw me into the judicial system unnecessarily.  
21 Twenty months of my life were negatively impacted from the  
22 decisions of this Blaine Police Officer during the night of  
23 December 2, 2017, and in their actions thereafter.

1           30. Further, it was readily known to the Blaine Police  
2 Department that I was an active-duty US Border Patrol Officer, and  
3 any charge or accusations of charge or threat of pending charges  
4 would have adverse consequences for me at my work.

5           31. Prior to the events complained of herein, in January of  
6 2017, the Blaine Police Department made misleading and untrue  
7 claims against me regarding my on duty activities with the US  
8 Border Patrol. I had to endure an internal affairs investigation  
9 because of the misleading claim made in or about January 2017. I  
10 provided evidence to the US Border Patrol and was exonerated.

11          32. Before this in the context of making a police report to  
12 the BLAINE POLICE DEPARTMENT in 2015 wherein I was assaulted and  
13 threatened by a local resident, I was purposely portrayed as the  
14 bad actor.

15          33. I made a request to edit a police report that I had made  
16 with an (off duty) Officer of the Blaine Police Department. The  
17 topic of the police report involved me being threatened by a local  
18 jealous husband of a person that I was friends with. The Officer  
19 perceived my complaint wrongly, and this mistake would eventually  
20 show me to appear more distasteful in the police report. I made a  
21 request to the Blaine Police Officer to correct the police report,  
22 and the request was ignored.

1           34. Later, I made a request to the Police Chief of Blaine  
2 for assistance, and being told the matter will investigated, I was  
3 ignored.

4           35. In 2015, I made two more inquires to the Chief. The  
5 report was never corrected from what I understood, and there was  
6 zero communication with me regarding this matter from Blaine. I  
7 thought it to be odd when knowing it was a small and easy correction  
8 for the Officer.

9           36. Upon information and belief, me, and my private vehicles  
10 are known to most Blaine Police Officers. In the course of my  
11 employment with the US Border Patrol, I regularly work with  
12 officers from the BLAINE POLICE DEPARTMENT. I was known for waving  
13 to the Blaine Police officers while driving to my work in my  
14 privately owned vehicle.

15           37. I was treated like a spectacle by the BLAINE POLICE  
16 DEPARTMENT when I was issued a speeding ticket in 2015. I was  
17 alone on the Interstate between 2-3 in the morning when I was  
18 pulled over by a Blaine Police officer.

19           38. The Blaine police officer decided to activate his  
20 emergency lights and start the pursuit toward me. During the  
21 "pursuit", prior to the traffic stop, the pursuing officer made a  
22 claimed to Border Patrol dispatch that I was failing to yield to  
23 the emergency lights; however, the truth of the matter was I was  
24 looking for a safe place to pull over while exiting the

1      interstate. This fact should have been apparent to the pursuing  
2      officer.

3            39. Upon information and belief, the radio call was made to  
4      the Border Patrol to paint me in a negative light. The fact being  
5      my supervisors could here this radio traffic was to create doubt  
6      regarding me to my supervisors.

7            40. As part of my fitness to be a US Border Patrol Officer,  
8      under current policy we must redo our background checks every five  
9      years, so it is important and meaningful to me that any police  
10     report involving myself is accurate. The BLAINE POLICE DEPARTMENT  
11     has on multiple occasions made police reports involving me that  
12     are less than accurate misleading and attempt to paint me in a bad  
13     light.

14           41. It is readily known to BLAINE POLICE DEPARTMENT that  
15     whether local, county, state or federal, a law enforcement agent  
16     must meet minimum standards; and that when a complaint is made  
17     against a law enforcement officer an investigation will be made.  
18     Further, that during the time of investigation, the officer being  
19     investigated will be put on desk duty or will have a meaningful  
20     and significant limitation placed on them while the investigation  
21     is ongoing. Even if the investigation ultimately clears the  
22     complained of officer of any wrongdoing, the complained of officer  
23     still suffered negative repercussions during the investigation  
24     period.

1           42. In other words, a law enforcement officer will suffer  
2 negative repercussions simply because an allegation is made. As  
3 a result of simply being charged with a misdemeanor in February  
4 2018, I was temporarily reassigned a new position of employment  
5 until the court case was resolved. My paycheck during the court  
6 case was reduced approximately \$27,000 throughout that full length  
7 of time.

8           43. This event created a multitude of negative events at my  
9 employment due to the close relationship between my agency and the  
10 Blaine Police Department.

11          44. I paid my attorney \$6,975 to compensate him for his time  
12 and effort throughout the criminal case.

13          45. I endured unnecessary additional scrutiny from the  
14 Blaine police department throughout the duration of the case.

15          46. The Blaine Police Department continued to create  
16 unnecessary reports from unrelated events so as to appear to have  
17 an abundance of derogatory history for the purpose to discredit me  
18 for multiple reasons.

19          47. I ran for political office in 2020, and my campaign was  
20 negatively damaged by the false charges. The local paper ran a  
21 story that was negative and implied I was unfit for public office  
22 because of the charge.

23          48. I was caused to suffer mental anguish.

24          49. My reputation and good name have been damaged.

50. I have lost or been delayed in opportunities for advancement with the US Border Patrol. Also, my ability to transfer to a different location has been hindered. The history created by inaccurate police writings damages my credibility, and can be used against me when applying for other details with the US Border Patrol.

**FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS**  
**VIOLATION OF CIVIL AND CONSTITUTIONAL RIGHTS, RETALIATION**

51. I repeat and reallege numbered paragraphs herein 1 through 45.

52. There was no legitimate government reason to impound my vehicle on December 2, 2017. The vehicle was not involved in a collision, and there was no need to examine the vehicle for damage. There was nothing about the vehicle from an evidentiary perspective that would support a charge of reckless driving. There was nothing about the vehicle that would support a charge of speeding. These types of offenses are supported by the police officer's direct observation or use a speed measuring device. The interests of public safety were not advanced by impounding my vehicle, as the operator of vehicle was arrest, and taken away from the scene. Further there was not sufficient probable cause to support the impounding of my vehicle.

1           53. The impounding of my vehicle on December 2, 2017 was  
2 done to cause me a headache and was done to cause economic harm to  
3 me.

4           54. Alternatively, the defendant police officers were  
5 negligent in the performance of their police duties. The BLAINE  
6 POLICE DEPARTMENT and the defendant police officers owed me, a  
7 private citizen who was off-duty, a duty of care. The duty of  
8 care was breached, and as a direct and proximate result I was  
9 caused to suffer injuries to my property and person.

10          55. My Fourth Amendment civil rights were violated from an  
11 unreasonably seizure of my property/vehicle by the Blaine Police  
12 department on December 2, 2017, from 2100 Block Peace Portal Drive,  
13 Blaine, Washington.

14          56. There is no police report for me from December 2, 2017  
15 because I committed no crime nor violation.

16          57. I attempted to fight the impounding of my vehicle. I  
17 used the local city process available through the CITY OF BLAINE,  
18 and through the State of Washington.

19          58. I also attempted to have the statements and police  
20 reports of the defendant police officers corrected so said writings  
21 would accurately portray the events that took place on December 2,  
22 2017.

1       59. When said defendant police officers refused to make  
2 corrections I complained to their supervisors, and the city  
3 officials of the CITY OF BLAINE.

4       60. Law enforcement information exchange is a "need to know  
5 basis". Information associated from events concerning local law  
6 with state jurisdiction and unrelated to federal immigration  
7 services regarding Shah Khan was shared without a need to know,  
8 and demonstrates a serious problem. Shah Khan is a US citizen and  
9 doesn't have affiliation to the US border protection and customs  
10 agency. The US Border Patrol doesn't have a need to know for Shah  
11 Khan's court case information prior to litigation, and this  
12 wrongful information exchange demonstrates unethical information  
13 sharing.

14       61. It was unethical to share the information regarding Shah  
15 Khan's arrest with the US Border Patrol. The BLAINE defendants  
16 tried to use this wrongful information sharing to hurt and  
17 discredit me by associating me with a negative event.

18       62. I was issued an "Obstruction of Law enforcement officer"  
19 charge 2 1/2 months after an event; furthermore, this happened  
20 because I exposed the police officers for lying, embellishing, and  
21 adding unnecessary information in their police reports concerning  
22 the driver's mannerisms while operating the vehicle.

23       63. Upon information and belief, defendant police officers,  
24 the BLAINE POLICE DEPARTMENT or other officials with the CITY OF

1 BLAINE had conversations with and spoke with GEORGE C. ROCHE, ESQ.,  
2 DEPUTY PROSECUTING ATTORNEY and during said conversations made  
3 misleading statements for the purpose of charging me with a crime,  
4 to silence me from exercising my right of free speech, and my right  
5 to free from unreasonable seizure.

6 64. The misdemeanor charge filed against me on or about  
7 February 9, 2018 was strictly retaliatory in nature. The charge  
8 was brought to cause me economic injury, and to interfere with my  
9 good standing as a US Border Patrol Officer. The charge was a  
10 direct result of my complaints that the BLAINE POLICE DEPARTMENT  
11 failed to follow proper police procedures. The retaliatory  
12 criminal charge was brought because I exercised my right to free  
13 speech, and it was brought to curtail my free speech. There was  
14 no legitimate government reason or purpose to curtail my free  
15 speech that was critical of the BLAINE POLICE DEPARTMENT or that  
16 was critical of the CITY OF BLAINE.

17 65. Further, the criminal charge file against me was done to  
18 cause me the loss property, loss of income, loss of job status,  
19 without giving me due process. Because I was a US Border Patrol  
20 Officer a mere allegation of wrongdoing would cause me economic  
21 harm.

22 66. And while my job status was almost immediately restored  
23 upon the dismissal of said criminal charge in October of 2019,  
24 there is no mechanism to get the loss overtime, the loss of wages,

the loss of job status, I endured while the baseless criminal charge against was adjudicated in my favor in the Washington State Court System.

67. My constitutional claims did not accrue until the criminal charge against me was dismissed on October 31, 2019. The charge against was Obstruction of Law enforcement officer, thus while all my actions were protected by my constitutional rights, the defendants alleged they were criminal in nature and done to interfere with a police investigation. Until my good name was cleared, I could not bring legal process against the defendants for their conduct.

**SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS  
MALICIOUS PROSECUTION**

68. I repeat and reallege numbered paragraphs herein 1 through 60.

69. My vehicle that I was not driving at the time and was a passenger in, was impounded on December 2, 2017, there was no probable cause to impound the vehicle.

70. I was charged with a misdemeanor obstructing a Law Enforcement Officer on February 9, 2018, arising out of the December 2, 2017 impounding of my vehicle. There was no probable cause for this charge.

71. On October 31, 2019, the misdemeanor charge against me was dismissed with prejudice.

1       72. The charge against me was made based upon false  
2 statements and false reporting by Blaine Police Officers in their  
3 reports, against me. These statements were made to make me look  
4 bad, the false reporting was done to support Blaine Officers  
5 improper following of proper police procedures.

6       73. As a result, I sustained economic damages and was caused  
7 to suffer loss of earnings, and mental distress.

8       74. After, the charge was issued against me, the Blaine  
9 Police Department continued the prosecution, did not stop the  
10 prosecution, did not request the prosecution be stopped, nor did  
11 they attempt to correct any of their police reports.

12       75. The Blaine Police Department did nothing to stop the  
13 Prosecuting Attorney from moving forward with a criminal case  
14 against me.

15       76. The Blaine Police Department willfully participated in  
16 the false prosecution, notwithstanding their clear knowledge that  
17 no crime was committed and that they were not interfered with by  
18 me.

19       77. Further it was known to the BLAINE POLICE DEPARTMENT  
20 that allegation of wrongdoing made against me would cause an  
21 investigation to be undertaken by my employer and that I would  
22 suffer economic harm.

1           78. As a direct and proximate result of the malicious  
2 prosecution I was caused to suffer injury to my property and injury  
3 to my person.

4           79. This claim did not accrue until October 31, 2019, when  
5 said criminal charge was dismissed with prejudice.

6

7

8           **THIRD CAUSE OF ACTION AGAINST ALL DEFENDANTS**  
9           **ABUSE OF PROCESS**

10          80. I repeat and reallege numbered paragraphs herein 1  
11 through 72.

12          81. The criminal charge issued against me by the prosecuting  
13 attorney was done with an ulterior motive and was not done to  
14 enforce the laws of the State of Washington.

15          82. On February 9, 2018 a misdemeanor charge was issued  
16 against me. The charge was dismissed with prejudice on October 21,  
17 2019.

18          83. There was no legitimate law enforcement purpose for the  
19 issuing of the criminal summons against me. It was issued to  
20 silence me from being critical of the CITY OF BLAINE and the BLAINE  
21 POLICE DEPARTMENT.

22          84. Upon information and belief, the CITY OF BLAINE, BLAINE  
23 POLICE DEPARTMENT, and the defendant police officers spoke with  
24 and made material misrepresentations to the prosecuting attorney,

1 inducing him, and causing him to issue criminal process against  
2 me. This was done with an ulterior motive and was not done to  
3 enforce the laws of the State of Washington.

4 85. It was known to all defendants that the simple issuing  
5 of the criminal summons would cause me adversity at my job, would  
6 cause be to be put on desk duty, would cause me to undergo an  
7 investigation.

8 86. Further, it was known to all defendants that the mere  
9 issuing of the criminal summons would cause me economic harm and  
10 damage to my reputation.

11 87. As a direct result of the Abuse of Process by defendants  
12 I have suffered injuries to my property and injuries to my person.  
13 I lost wages. I lost or was delayed in opportunities for job  
14 advancement and transfer. I was caused to suffered mental anguish.  
15 My reputation in the community was damaged.

16 88. This claim did not accrue until October 31, 2019, when  
17 said criminal charge was dismissed with prejudice.

18 **II. REQUEST FOR RELIEF**

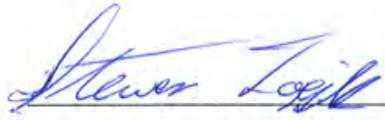
19 89. Plaintiff demands trial by jury.

20 90. Plaintiff prays for relief of \$250,000.00 on each cause  
21 of action.

22 91. Plaintiff prays for relief that defendants pay  
23 plaintiff's attorney fees and costs of this action.

2 - 17 - 2021

1 Dated: February 15, 2021  
2 Blaine, Washington  
3



5 Steven Tojek  
6 Mail: PO BOX 1975  
7 Blaine, Washington  
8 Phone: (716) 316-1817  
9 Email: monte402@yahoo.com  
10

FILED  
COUNTY CLERK

2021 FEB -3 PM 4:21

SUPERIOR COURT OF WASHINGTON

WHATCOM COUNTY  
WASHINGTON

FOR WHATCOM COUNTY

BY \_\_\_\_\_

STEVEN TOJEK,

Plaintiff(s),

No. 21 2 00117 37

Vs.

COMPLAINT FOR DAMAGES

WHATCOM COUNTY,

DEPARTMENT OF PROSECUTING ATTORNEY, WHATCOM COUNTY

GEORGE C. ROCHE, ESQ., DEPUTY PROSECUTING ATTORNEY,

CITY OF BLAINE,

BLAINE POLICE DEPARTMENT,

OFFICER JACOB FARRER, BLAINE POLICE DEPARTMENT,

OFFICER JON LANDIS, BLAINE POLICE DEPARTMENT,

OFFICER JASON HENTZ, BLAINE POLICE DEPARTMENT.

Defendant(s)

---

STEVEN TOJEK, appearing pro se alleges the following:

## I. CLAIMS FOR RELIEF

1. STEVEN TOJEK at all times material was a resident and homeowner within the City of Blaine, Washington. Both at the time of presentation of the claim and when the claim arose, I resided at 1412 Mitchell Ave, Blaine WA 98230.

2. WHATCOM COUNTY is a political subdivision, a county located in the State of Washington. The business address of WHATCOM CUNTY is 311 Grand Ave., Bellingham, WA 98225.

3. WHATCOM COUNTY has a DEPARTMENT OF PROSECUTING ATTORNEY with a business address of 311 Grand Avenue, Suite 201, Bellingham, WA 98225. "The mission of the Prosecuting Attorney's Office, in partnership with the communities we serve, is to vigorously protect the rights of the people of Whatcom County."

<https://www.whatcomcounty.us/3161/About-Us>

4. At all times material herein GEORGE C. ROCHE, ESQ., was a DEPUTY PROSECUTING ATTORNEY for WHATCOM COUNTY with a business address of 311 Grand Avenue, Suite 201, Bellingham, WA 98225.

5. The CITY OF BLAINE is a political subdivision, a city, located in WHATCOM COUNTY, Washington State. The CITY OF BLAINE provides a police force that polices within the geographic borders of the CITY OF BLAINE. The business address for the CITY OF BLAINE is 435 Martin St. Suite 3000, Blaine, WA 98230.

6. At all times material herein, BLAINE POLICE DEPARTMENT  
is and was the police force for the CITY OF BLAINE. The business

1 address for the BLAINE POLICE DEPARTMENT is 322 H Street  
2 Blaine, WA 98230.

3 7. At all times material hereto OFFICER JACOB FARRER, was  
4 a police officer with BLAINE POLICE DEPARTMENT. His business  
5 address is 322 H Street Blaine, WA 98230.

6 8. At all times material hereto OFFICER JON LANDIS, was a  
7 police officer with BLAINE POLICE DEPARTMENT. His business address  
8 is 322 H Street Blaine, WA 98230.

9 9. At all times material hereto OFFICER JASON HENTZ, was a  
10 police officer with BLAINE POLICE DEPARTMENT. His business address  
11 is 322 H Street Blaine, WA 98230.

12 10. Venue in this Court is proper as the amount in  
13 controversy exceeds the jurisdictional limits of all lower courts,  
14 and all relevant events occurred in Whatcom County.

15 11. This Court has personal jurisdiction over the defendants  
16 as all defendants are located within Whatcom County.

17 12. I served a claim form on WHATCOM COUNTY on December 1,  
18 2020; and more than sixty (60) days have elapsed from that time.

19 13. I served a claim form on CITY OF BLAINE on December 1,  
20 2020; and more than sixty (60) days have elapsed from that time.

21 14. All events took place in Whatcom County between December  
22 2, 2017 and October 31, 2019. The original traffic stop was on  
23 December 2, 2017. On February 9, 2018, 2 1/2 months after the  
24 traffic stop a misdemeanor charge was issued against me. I was

1 charged with an "Obstruction of Law enforcement officer." The  
2 charge was retaliatory in nature as it came only after I made  
3 complaints that the BLAINE POLICE DEPARETMENT were embellishing,  
4 adding unnecessary information in their police reports concerning  
5 the driver's mannerisms while operating the vehicle; and because  
6 I fought the impounding of my vehicle. The charge brought against  
7 me RCW 9A.76.020, obstructing a police officer was dismissed with  
8 prejudice on October 31, 2019.

9       15. On December 2, 2017, I was a passenger in my vehicle  
10 that was being driven by an acquaintance. I was tired and fatigued  
11 and fell asleep at various points.

12       16. The driver of my vehicle was pulled over by the BLAINE  
13 POLICE DEPARTMENT. The traffic stop took place at approximately  
14 2100 Peace Portal Drive in Blaine. Eventually all the named police  
15 officer defendants would arrive at the scene as my vehicle was  
16 towed from 2100 Block of Peace Portal Drive, Blaine, Washington.

17       17. As I understand, the driver was initially stopped for a  
18 speeding violation. The arresting officer aimed to impound my  
19 vehicle without being concerned for making the decision to do so.  
20 The Washington State law during the time of the traffic stop  
21 allowed the arresting officer to impound any vehicle as long as  
22 the officer could plant a DUI charge on the driver and then justify  
23 said charge in his arrest report, and so the arresting officer did  
24 exactly this.

1           18. Upon information and belief, the arresting officer did  
2 not have sufficient probable cause to charge the driver with a DUI  
3 charge. The law at the time secured the arresting officer's  
4 position to impound my vehicle; however, he made the decision to  
5 impound my vehicle prior to adding the DUI charge on the driver.  
6 This same law utilized to shield the arresting officer's unethical  
7 decision to impound my vehicle was eventually eliminated by the  
8 State of Washington for being unconstitutional.

9           19. The Blaine police officers were negligent in their  
10 duties. At the time of the impounding of my vehicle, there was no  
11 probable cause to do so.

12          20. After December 2, 2017 but before I was charged with a  
13 misdemeanor, I contacted the defendant police officers and asked  
14 them to revise their reports, so the reports were accurate to the  
15 actual events of December 2, 2017. When they refused, I complained  
16 to their supervisors.

17          21. I informed the Blaine Chief, the Blaine City manager,  
18 and the county inspectors responsible for investigating unethical  
19 police activities; furthermore, all informed parties refused to  
20 properly address the matter.

21          22. I was fighting the impounding of my vehicle. The  
22 defendant officers impounded the vehicle registered to my name  
23 during the event without giving any valid lawful reason. I was  
24 the passenger in the traffic stop mentioned; however, the driver

1 of the vehicle was being arrested and taken to jail for mere-  
2 speeding while the arresting officer justified his actions by  
3 charging the driver with a reckless driving charge without any  
4 valid evidence of recklessness. In my opinion, this constitutes  
5 an unlawful arrest.

6 23. Upon information and belief, the defendant police  
7 officers made statements to and had several conversations with  
8 DEPARTMENT OF PROSECUTING ATTORNEY, WHATCOM COUNTY, wherein I was  
9 portrayed as a bad actor, and was portrayed as interfering with  
10 their charges against the driver.

11 24. The misdemeanor charge filed against me was retaliatory  
12 in nature. The unethical actions of the Blaine Police Officer  
13 opened the doors for a Whatcom County prosecutor to charge me with  
14 a crime and draw me into the judicial system unnecessarily.  
15 Twenty months of my life were negatively impacted from the  
16 decisions of this Blaine Police Officer during the night of  
17 December 2, 2017, and in their actions thereafter.

18 25. Further, it was readily known to the Blaine Police  
19 Department that I was an active-duty US Border Patrol Officer, and  
20 any charge or accusations of charge or threat of pending charges  
21 would have adverse consequences for me at my work.

22 26. Prior to the events complained of herein, in January of  
23 2017, the Blaine Police Department made misleading and untrue  
24 claims against me regarding my on duty activities with the US

1 Border Patrol. I had to endure an internal affairs investigation  
2 because of the misleading claim made in or about January 2017. I  
3 provided evidence to the US Border Patrol and was exonerated.

4 27. Before this in the context of making a police report to  
5 the BLAINE POLICE DEPARTMENT in 2015 wherein I was assaulted and  
6 threatened by a local resident, I was purposely portrayed as the  
7 bad actor.

8 28. I made a request to edit a police report that I had made  
9 with an (off duty) Officer of the Blaine Police Department. The  
10 topic of the police report involved me being threatened by a local  
11 jealous husband of a person that I was friends with. The Officer  
12 perceived my complaint wrongly, and this mistake would eventually  
13 show me to appear more distasteful in the police report. I made a  
14 request to the Blaine Police Officer to correct the police report,  
15 and the request was ignored.

16 29. Later, I made a request to the Police Chief of Blaine  
17 for assistance, and being told the matter will investigated, I was  
18 ignored.

19 30. In 2015, I made two more inquires to the Chief. The  
20 report was never corrected from what I understood, and there was  
21 zero communication with me regarding this matter from Blaine. I  
22 thought it to be odd when knowing it was a small and easy correction  
23 for the Officer.

1           31. Upon information and belief, me, and my private vehicles  
2 are known to most Blaine Police Officers. In the course of my  
3 employment with the US Border Patrol, I regularly work with  
4 officers from the BLAINE POLICE DEPARTMENT. I was known for waving  
5 to the Blaine Police officers while driving to my work in my  
6 privately owned vehicle.

7           32. I was treated like a spectacle by the BLAINE POLICE  
8 DEPARTMENT when I was issued a speeding ticket in 2015. I was  
9 alone on the Interstate between 2-3 in the morning when I was  
10 pulled over by a Blaine Police officer.

11          33. The Blaine police officer decided to activate his  
12 emergency lights and start the pursuit toward me. During the  
13 "pursuit", prior to the traffic stop, the pursuing officer made a  
14 claimed to Border Patrol dispatch that I was failing to yield to  
15 the emergency lights; however, the truth of the matter was I was  
16 looking for a safe place to pull over while exiting the  
17 interstate. This fact should have been apparent to the pursuing  
18 officer.

19          34. Upon information and belief, the radio call was made to  
20 the Border Patrol to paint me in a negative light. The fact being  
21 my supervisors could here this radio traffic was to create doubt  
22 regarding me to my supervisors.

23          35. As part of my fitness to be a US Border Patrol Officer,  
24 under current policy we must redo our background checks every five

1 years, so it is important and meaningful to me that any police  
2 report involving myself is accurate. The BLAINE POLICE DEPARTMENT  
3 has on multiple occasions made police reports involving me that  
4 are less than accurate misleading and attempt to paint me in a bad  
5 light.

6 36. It is readily known to BLAINE POLICE DEPARTMENT that  
7 whether local, county, state or federal, a law enforcement agent  
8 must meet minimum standards; and that when a complaint is made  
9 against a law enforcement officer an investigation will be made.  
10 Further, that during the time of investigation, the officer being  
11 investigated will be put on desk duty or will have a meaningful  
12 and significant limitation placed on them while the investigation  
13 is ongoing. Even if the investigation ultimately clears the  
14 complained of officer of any wrongdoing, the complained of officer  
15 still suffered negative repercussions during the investigation  
16 period.

17 37. In other words, a law enforcement officer will suffer  
18 negative repercussions simply because an allegation is made. As  
19 a result of simply being charged with a misdemeanor in February  
20 2018, I was temporarily reassigned a new position of employment  
21 until the court case was resolved. My paycheck during the court  
22 case was reduced approximately \$27,000 throughout that full length  
23 of time.

1           38. This event created a multitude of negative events at my  
2 employment due to the close relationship between my agency and the  
3 Blaine Police Department.

4           39. I paid my attorney \$6,975 to compensate him for his time  
5 and effort throughout the criminal case.

6           40. I endured unnecessary additional scrutiny from the  
7 Blaine police department throughout the duration of the case.

8           41. The Blaine Police Department continued to create  
9 unnecessary reports from unrelated events so as to appear to have  
10 an abundance of derogatory history for the purpose to discredit me  
11 for multiple reasons.

12          42. I ran for political office in 2020, and my campaign was  
13 negatively damaged by the false charges. The local paper ran a  
14 story that was negative and implied I was unfit for public office  
15 because of the charge.

16          43. I was caused to suffer mental anguish.

17          44. My reputation and good name have been damaged.

18          45. I have lost or been delayed in opportunities for  
19 advancement with the US Border Patrol. Also, my ability to  
20 transfer to a different location has been hindered. The history  
21 created by inaccurate police writings damages my credibility, and  
22 can be used against me when applying for other details with the US  
23 Border Patrol.

1                   **FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS**  
2                   **VIOLATION OF CIVIL AND CONSTITUTIONAL RIGHTS, RETALIATION**

3                  46. I repeat and reallege numbered paragraphs herein 1  
4                  through 45.

6                  47. There was no legitimate government reason to impound my  
7                  vehicle on December 2, 2017. The vehicle was not involved in a  
8                  collision, and there was no need to examine the vehicle for damage.  
9                  There was nothing about the vehicle from an evidentiary perspective  
10                 that would support a charge of reckless driving. There was nothing  
11                 about the vehicle that would support a charge of speeding. These  
12                 types of offenses are supported by the police officer's direct  
13                 observation or use a speed measuring device. The interests of  
14                 public safety were not advanced by impounding my vehicle, as the  
15                 operator of vehicle was arrest, and taken away from the scene.  
16                 Further there was not sufficient probable cause to support the  
17                 impounding of my vehicle.

18                 48. The impounding of my vehicle on December 2, 2017 was  
19                 done to cause me a headache and was done to cause economic harm to  
20                 me.

21                 49. Alternatively, the defendant police officers were  
22                 negligent in the performance of their police duties. The BLAINE  
23                 POLICE DEPARTMENT and the defendant police officers owed me, a  
24                 private citizen who was off-duty, a duty of care. The duty of

1 care was breached, and as a direct and proximate result I was  
2 caused to suffer injuries to my property and person.

3 50. My Fourth Amendment civil rights were violated from an  
4 unreasonably seizure of my property/vehicle by the Blaine Police  
5 department on December 2, 2017, from 2100 Block Peace Portal Drive,  
6 Blaine, Washington.

7 51. There is no police report for me from December 2, 2017  
8 because I committed no crime nor violation.

9 52. I attempted to fight the impounding of my vehicle. I  
10 used the local city process available through the CITY OF BLAINE,  
11 and through the State of Washington.

12 53. I also attempted to have the statements and police  
13 reports of the defendant police officers corrected so said writings  
14 would accurately portray the events that took place on December 2,  
15 2017.

16 54. When said defendant police officers refused to make  
17 corrections I complained to their supervisors, and the city  
18 officials of the CITY OF BLAINE.

19 55. I was issued an "Obstruction of Law enforcement officer"  
20 charge 2 1/2 months after an event; furthermore, this happened  
21 because I exposed the police officers for lying, embellishing, and  
22 adding unnecessary information in their police reports concerning  
23 the driver's mannerisms while operating the vehicle.

1           56. Upon information and belief, defendant police officers,  
2 the BLAINE POLICE DEPARTMENT or other officials with the CITY OF  
3 BLAINE had conversations with and spoke with GEORGE C. ROCHE, ESQ.,  
4 DEPUTY PROSECUTING ATTORNEY and during said conversations made  
5 misleading statements for the purpose of charging me with a crime,  
6 to silence me from exercising my right of free speech, and my right  
7 to free from unreasonable seizure.

8           57. The misdemeanor charge filed against me on or about  
9 February 9, 2018 was strictly retaliatory in nature. The charge  
10 was brought to cause me economic injury, and to interfere with my  
11 good standing as a US Border Patrol Officer. The charge was a  
12 direct result of my complaints that the BLAINE POLICE DEPARTMENT  
13 failed to follow proper police procedures. The retaliatory  
14 criminal charge was brought because I exercised my right to free  
15 speech, and it was brought to curtail my free speech. There was  
16 no legitimate government reason or purpose to curtail my free  
17 speech that was critical of the BLAINE POLICE DEPARTMENT or that  
18 was critical of the CITY OF BLAINE.

19           58. Further, the criminal charge file against me was done to  
20 cause me the loss property, loss of income, loss of job status,  
21 without giving me due process. Because I was a US Border Patrol  
22 Officer a mere allegation of wrongdoing would cause me economic  
23 harm.

59. And while my job status was almost immediately restored upon the dismissal of said criminal charge in October of 2019, there is no mechanism to get the loss overtime, the loss of wages, the loss of job status, I endured while the baseless criminal charge against was adjudicated in my favor in the Washington State Court System.

60. My constitutional claims did not accrue until the criminal charge against me was dismissed on October 31, 2019. The charge against was Obstruction of Law enforcement officer, thus while all my actions were protected by my constitutional rights, the defendants alleged they were criminal in nature and done to interfere with a police investigation. Until my good name was cleared, I could not bring legal process against the defendants for their conduct.

**SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS  
MALICIOUS PROSECUTION**

61. I repeat and reallege numbered paragraphs herein 1 through 60.

62. My vehicle that I was not driving at the time and was a passenger in, was impounded on December 2, 2017, there was no probable cause to impound the vehicle.

63. I was charged with a misdemeanor obstructing a Law Enforcement Officer on February 9, 2018, arising out of the

1 December 2, 2017 impounding of my vehicle. There was no probable  
2 cause for this charge.

3 64. On October 31, 2019, the misdemeanor charge against me  
4 was dismissed with prejudice.

5 65. The charge against me was made based upon false  
6 statements and false reporting by Blaine Police Officers in their  
7 reports, against me. These statements were made to make me look  
8 bad, the false reporting was done to support Blaine Officers  
9 improper following of proper police procedures.

10 66. As a result, I sustained economic damages and was caused  
11 to suffer loss of earnings, and mental distress.

12 67. After, the charge was issued against me, the Blaine  
13 Police Department continued the prosecution, did not stop the  
14 prosecution, did not request the prosecution be stopped, nor did  
15 they attempt to correct any of their police reports.

16 68. The Blaine Police Department did nothing to stop the  
17 Prosecuting Attorney from moving forward with a criminal case  
18 against me.

19 69. The Blaine Police Department willfully participated in  
20 the false prosecution, notwithstanding their clear knowledge that  
21 no crime was committed and that they were not interfered with by  
22 me.

23 70. Further it was known to the BLAINE POLICE DEPARTMENT  
24 that allegation of wrongdoing made against me would cause an

1 investigation to be undertaken by my employer and that I would  
2 suffer economic harm.

3       71. As a direct and proximate result of the malicious  
4 prosecution I was caused to suffer injury to my property and injury  
5 to my person.

6       72. This claim did not accrue until October 31, 2019, when  
7 said criminal charge was dismissed with prejudice.

8

9

10                   **THIRD CAUSE OF ACTION AGAINST ALL DEFENDANTS**  
11                   **ABUSE OF PROCESS**

12       73. I repeat and reallege numbered paragraphs herein 1  
13 through 72.

14       74. The criminal charge issued against me by the prosecuting  
15 attorney was done with an ulterior motive and was not done to  
16 enforce the laws of the State of Washington.

17       75. On February 9, 2018 a misdemeanor charge was issued  
18 against me. The charge was dismissed with prejudice on October 21,  
19 2019.

20       76. There was no legitimate law enforcement purpose for the  
21 issuing of the criminal summons against me. It was issued to  
22 silence me from being critical of the CITY OF BLAINE and the BLAINE  
23 POLICE DEPARTMENT.

77. Upon information and belief, the CITY OF BLAINE, BLAINE POLICE DEPARTMENT, and the defendant police officers spoke with and made material misrepresentations to the prosecuting attorney, inducing him, and causing him to issue criminal process against me. This was done with an ulterior motive and was not done to enforce the laws of the State of Washington.

78. It was known to all defendants that the simple issuing of the criminal summons would cause me adversity at my job, would cause be to be put on desk duty, would cause me to undergo an investigation.

79. Further, it was known to all defendants that the mere issuing of the criminal summons would cause me economic harm and damage to my reputation.

80. As a direct result of the Abuse of Process by defendants I have suffered injuries to my property and injuries to my person. I lost wages. I lost or was delayed in opportunities for job advancement and transfer. I was caused to suffered mental anguish. My reputation in the community was damaged.

81. This claim did not accrue until October 31, 2019, when said criminal charge was dismissed with prejudice.

## II. REQUEST FOR RELIEF

82. Plaintiff demands trial by jury.

83. Plaintiff prays for relief of \$250,000.00 on each cause of action.

84. Plaintiff prays for relief that defendants pay plaintiff's attorney fees and costs of this action.

Dated: February 3, 2021  
Blaine, Washington

Steven Tojek  
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Blaine, Washington  
Phone: (716) 316-1817  
Email: monte402@yahoo.com